

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

SONIA RUSSELL,

Plaintiff,

vs.

**POSTMASTER GENERAL LOUIS
DEJOY,**

Defendant.

8:22CV417

ORDER

Plaintiff filed a Complaint ([Filing No. 1](#)) on December 5, 2022, and requested leave to proceed in forma pauperis ([Filing No. 2](#)). On December 20, 2022, the Court denied Plaintiff's request to proceed in forma pauperis, and directed Plaintiff to pay the filing fee within 30-days of the Order. ([Filing No. 5](#)). Plaintiff paid the filing fee on February 1, 2023, and this case was removed from the Court's pro se docket on February 2, 2023. ([Filing No. 6](#)).

On April 10, 2023, the Court entered an Order to Show Cause ([Filing No. 8](#)) requiring Plaintiff to show why this case should not be dismissed for failure to serve the defendant pursuant to [Federal Rule of Civil Procedure 4\(m\)](#). The Court also granted Plaintiff an extension of time to May 31, 2023, to complete service of process.

To Plaintiff's credit, Plaintiff responded to the Court's Order to Show Cause ([Filing No. 9](#); [Filing No. 10](#)), and she did attempt to comply with the Court's Order by mailing envelopes by first class mail to Louis DeJoy, the U.S. Attorney's Office, and the Attorney General of the United States, with each envelope containing "a copy of the complaint, certificate of service, return service with signature and certified tracking." Plaintiff also filed signed certified mail receipts showing her mailings were received on May 26, 2023. ([Filing No. 9 at p. 21](#)). Plaintiff's attempt at service took place within the time frame specified by the Court.

However, Plaintiff never requested or received summons. "A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service" Fed. R. Civ. P. 4(c)(1). Additionally, "[t]o serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered

or certified mail to the agency, corporation, officer, or employee.” Fed. R. Civ. P. 4(i)(2). Based upon the documents submitted by Plaintiff, she did not accomplish proper service upon the defendant under Rule 4 of the Federal Rules of Civil Procedure because she did not request and serve summons as required. See [Filing No. 9](#).

Nevertheless, given that Plaintiff did appear to attempt to comply with the Court’s previous order to the best of her abilities by the deadline set by the Court, and considering she is proceeding without the assistance of counsel, the Court will again provide Plaintiff with an opportunity to properly accomplish service of process upon the defendant. Under the circumstances, on the Court’s own motion, Plaintiff is granted an extension of time until **July 28, 2023**, to complete service of process upon the defendant. Failure to complete service of process by that date may result in dismissal of this case. See Fed. R. Civ. P. 4(m). Accordingly,

IT IS ORDERED:

1. For service of process on the defendant, the Clerk of Court is directed to complete three summons forms for the following addresses:

Louis DeJoy, Postmaster General
USPS Headquarters
475 L’Enfant Plaza SW
Washington DC 20260-0010

United States Attorney - District of Nebraska
1620 Dodge Street, #1400
Omaha, NE 68102

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Clerk of the Court shall provide the summons to Plaintiff to effectuate service.

2. Plaintiff shall serve the summons together with a copy of the complaint and a copy of this Order on the above-named entities.

3. Plaintiff is granted an extension of time until **July 28, 2023**, to complete service of process upon the defendant.

4. The failure to timely comply with this order may result in dismissal of this case without further notice.

Dated this 30th day of June, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge